

## REMARKS

The discussion below is directed to every reference and every claim that the Examiner cites the reference against. The discussion below is believe to illustrate why none of the references, either alone or in combination, set forth the desirability of combining the references to provide the claimed invention.

A primary motivation of an inventor of a drum dampening device is to distort, as by reducing, a ringing phenomena associated with the vibration of drumheads (see Hardy, US Pat. No. 4,325,280). In contra-distinction, the inventors of impact pads are seeking less sound distortion; in other words, seeking quite the opposite of removing high pitches (see Behrenfeld, U.S. Pat. No. 5,986,196, Col. 2, lines 12-13). Law (U.S. Pat. No. 3,797,355) addresses positioning polyurethane on a vibratable string, not adhering that substance to a drumhead. Indeed, Law teaches away from adhesion by sandwiching pad 33 between arm 32 and strings 13.

Rosthauser (U.S. Pat. No. 5,723,194) is not remotely associated with drumheads or their unique requirements, teaching that polyurethane layers, such as that described therein, have improved adhesion when used as pre-coat layers for carpet backing. The drumhead and the dampening requirements, attachment requirements, and the like are not carpet backing qualities.

Koshika, et al (U.S. Pat. No. 5,339,580) is not related to drumheads, but is related to dampening devices for seismic dampening for building structures. The inventor of drumhead dampening devices is attempting to remove high pitched frequencies and otherwise leave the other frequencies alone. The dampening device for seismic structures is presumably to remove all frequencies between the building structure and the earth. They are not analogous.

As regards to Claim 8, it is asserted that Behrenfeld is not proper prior art, as it is related to properties of impact pads which have not the desirable properties for dampening patches. It is asserted that Law teaches positioning, but not adhesiveness, of free patches. Nor does

Behrenfeld or Law suggest an oil-free material is desirable with drumheads. There is nothing in either Law or Behrenfeld that shows suitability of the disclosure for dampening a vibratable drum surface or the requirements therefor.

Koshika is not analogous or applicable. One of ordinary skill in the art seeking to selectively dampen high frequencies of a drumhead would not look to protecting building structures from earthquakes.

As to Claim 11, Behrenfeld and Rosthauser are inapplicable as set forth above. Law teaches polyurethane may be positioned mechanically relative to strings, but not adhesive to. Indeed, one reads Law to teach that polyurethane must be mechanically positioned on the vibratable surface and has no adhesive qualities for either strings or drumheads. To the extent that Behrenfeld addresses adhesive surfaces that require an adhesive surface, it teaches away from the patch body itself providing the adhesive surface.

As to Claims 13-17 as set forth above, one would not recognize the dampening qualities of a polyurethane mix , nor the use of a non-woven base material.

As regarding Claims 14-16, neither Iiyama, et al (JP02003001648A) nor Rosthauser are analogous to a method of manufacturing a dampening patch for a vibratable surface of a musical instrument. The art of manufacturing dampening patches for a musical instrument would not look to the sophisticated material processing patent of Iiyama, nor likely understand the reference.

As to Claims 27 and 29, the combination of Behrenfeld and Hardy is not proper, given that Behrenfeld desires impact properties (no distortion) and Hardy wants to reduce high pitch ringing. Further, as regards to Claim 29, Behrenfeld would not position the patch on the underside of the body as it could not function as an impact pad. One would not modify the invention of Behrenfeld in order to reduce a ringing phenomena, because Behrenfeld specifically and explicitly does not want to reduce the ringing phenomena.

As to Claim 28, Applicants believe the combination of Behrenfeld and Hardy is inapplicable as applied to Claim 27 above. Nothing in Law describes the adhesive properties; nor adhesive to a vibratable percussive device. Indeed, Law suggests that polyurethane is not adhesable. There is nothing in the combination to suggest the suitability of polyurethane for either dampening or adherence to a drum surface.

In view of the above, Applicants respectfully request reconsideration.

Respectfully submitted,

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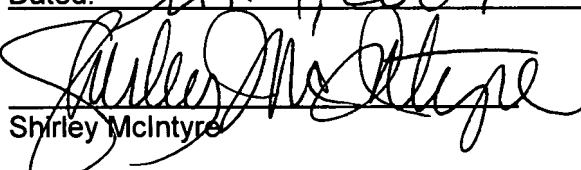


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